IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.84l0 of 2005

Rajniben A Sampat and ors. Petitioners

vs

Hasmukh Parikh ...Respodent

Mr P S Shah for petitioner

Mr.R.A.Shaikh for respondent

CORAM: S.U.KAMDAR J.

Dated 13.l2.2005

P.C:

. The present petition is filed challenging the impugned order dated 24.ll.2005. By the impugned order the learned trial Judge has rejected the application for amendment under Order 6 rule l7 of the CPC. The amendment which has been sought for is set out on page l20 of the petition and it is more or less in the nature of clerical errors and typographical mistake. The only ground on which the amendment has been sought to be challenged is by virtue of 2002 Amendment to CPC. Amendment

after the commencement of the amended provision is not permitted. The aforesaid contention has no merit as the suit is of 2000. The amended provision has no retrospective operation and thus the suits which are filed in 2000 are not covered by the amendment which has been brought into force by the Amending Act of 2002 of CPC. Apart from that in my opinion, in the facts and circumstances of the case the application for amendment cannot be rejected. The learned counsel for the petitioner has contended that the respondents be compensated by cost for the purpose for filing the amendment application. In that light of the matter the impugned order dated 24.ll.2005 is quashed and set aside. Chamber Summons No.l200 of 2005 is made absolute. The trial court is directed to permit the petitioner to amend the written statement . Amendment to be carried out within a period of two weeks from today. The petitioner to pay cost quantified at Rs.2500 to the respondent herein.

. Petition is disposed of accordingly.